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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,531	03/11/2004	Kurt Brooks Uhler	N0185US	8760

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NAVTEQ NORTH AMERICA, LLC  
222 MERCHANDISE MART  
SUITE 900, PATENT DEPT.  
CHICAGO, IL 60654

EXAMINER
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HU, KANG

ART UNIT	PAPER NUMBER
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3709

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/798,531

Applicant(s)

UHLIR ET AL.

Examiner

Kang Hu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/21/04; 8/30/05; 9/26/05; 2/3/06.

### **DETAILED ACTION**

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 1, 2, 3, 3 and 4-26 have been renumbered 1-27.

### ***Specification***

2. The disclosure is objected to because of the following informalities: the abbreviated words "VSAM" and "GDF" in page 5, line 29 in the specification need to be expanded such as -- VSAM, Virtual Storage Access Method -- and -- GDF Geographic Data Files --.

3. References cited in Reference to Related Applications on page 1 lines 4-11 are ineffective because the references are referred to by an Attorney's docket number, which is improper because it does not clearly identify the reference as per MPEP 608.01(p)(b)(2). The references should be referred to by appropriate U.S. Serial numbers such as an application number and the present status of the applications should be given.

The incorporation by reference will not be effective until correction is made to comply with 37 CFR 1.57(b), (c), or (d). If the incorporated material is relied upon to meet any outstanding objection, rejection, or other requirement imposed by the Office,

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the correction must be made within any time period set by the Office for responding to the objection, rejection, or other requirement for the incorporation to be effective.

Compliance will not be held in abeyance with respect to responding to the objection, rejection, or other requirement for the incorporation to be effective. In no case may the correction be made later than the close of prosecution as defined in 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier.

Any correction inserting material by amendment that was previously incorporated by reference must be accompanied by a statement that the material being inserted is the material incorporated by reference and the amendment contains no new matter. 37 CFR 1.57(f).

Appropriate correction is required.

#### ***Claim Objections***

4. Claim 1 is objected to because of the follow informalities:

Claim 1, line 4: "a game" should be -- the computer game --.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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6. Claims 1-13 are rejected under 35 U.S.C. 101 because a computer game does not fall under one of the statutory categories of the invention. Abstract ideas are not patent-eligible.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 6-8, 17 and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 6-8 and 20-22, line 4 recite the limitation “the region”. There is insufficient antecedent basis for this limitation in the claim.

Re claim 17, line 3 recites the limitation “the linearly extending feature”. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

10. Claims 1-4, 6-18 and 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Doak et al. (US 6,961,055).

Re claim 1: Doak discloses a computer game comprising a map database (see col 4, lines 30-45; col 4, lines 59-65) containing data that represent roads in a geographic locale; a user interface (see col 11, lines 36-40; col 30, lines 7-22; Fig 8a; a game engine program (col 3, line 3) that runs on a computer platform (see col 12, line 1; col 15, line 2) and that presents a game to a user via the user interface; and an application programming interface program (see col 2, lines 60-61) that runs on the computer platform (see col 12, line 1; col 15, line 2), accepts requests for data from the game engine program, accesses the data from the map database, and provides the data in a suitable format to the game engine program (col 49, lines 27-42).

Doak further discloses:

Re claim 2: A 3D function (see abstract; col 4, lines 30-45) that converts geographic data from the map database to a perspective view for display in the computer game (col 4, lines 59-65).

Re claim 3: A smoothing function (col 5, lines 65-67; col 6, lines 1-10) that determines a curve through data points used in the map database to represent linearly extending

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features, wherein the curve is used for display of the linearly extending feature in the computer game (col 7, lines 20-27).

Re claim 4: An integration function (see col 7, lines 57-67) that combines road model data with data that represent roads from the map database to provide a realistic visual appearance of road-related things (col 8, lines 7-20, lines 33-55; col 21, lines 55-57).

Re claim 6: An integration function that combines 3D model data with data that represent roads from the map database to provide a realistic visual representation of polygon shaped features in the region (col 5, lines 65-58; col 6, lines 1-10).

Re claim 7: An integration function that combines 3D model data with data that represent roads from the map database to provide a realistic visual representation of cityscape and landscape features in the region (col 6, lines 10-20).

Re claim 8: An integration function that combines 3D model data with data that represent roads from the map database to provide a realistic visual representation of one of a group consisting of: buildings, fences, trees, shrubbery, lawns, fences, and clouds in the region (col 6, lines 15-20; col 21, lines 55-57).

Re claim 9: The application programming interface program provides for spatial queries of data from the map database (col 2, lines 57-65).



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Re claim 10: A game application shell that includes basic logic, rules, strategy, and characters for a type of computer game, wherein the game application shell is accessed by the game engine program (col 1, lines 51-60).

Re claim 11: The type of computer game is selected from a group consisting of: a road rally game, a police chase game, a location quiz game, a "bot" fighter game, a flight simulator game, a "first-person-shooter" game, an auto theft game, and an urban development simulator game (col 1, lines 51-52; col 13, lines 10-14; col 20, lines 32-37).

Re claim 12: The game engine program performs specific tasks and operates on an as-needed basis during game play (col 3, lines 20-35; col 23, lines 40-47).

Re claim 13: The game engine program comprises at least one selected from a group consisting of: audio engines, logic engines, rules engines, animation engines, graphics engines, and user interface engines (col 3, lines 47-67; col 9, lines 37-65; col 11, lines 36-65).

Re claim 14. Doak discloses a method of operating a computer game that runs on a computer, platform comprising (col 12, line 1; col 15, line 2) using an application programming interface program (col 2, lines 57-65) that runs on the computer platform to accept requests for geographic data (col 4, lines 30-45) from a game engine program (col 49, lines 27-42), using the application programming interface program to access data from a map database (col 4, lines 30-45), and using the application programming

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interface program to provide the data in a suitable format to the game engine program  
(col 49, lines 27-42).

Doak further discloses:

Re claim 15: The method of displaying geographic features represented by the data on a display of the computer platform as part of a game play scenario of the computer game  
(col 6, lines 15-20; col 21, lines 55-57).

Re claim 16: The method of converting the geographic data from the map database to a perspective view for display by the computer platform as part of a game play scenario of the computer game (col 11, lines 19-35).

Re claim 17: The method of determining a curve through data points used in the map database to represent linearly extending features, wherein the curve is used for display of the linearly extending feature by the computer platform as part of a game play scenario of the computer game (col 5, lines 65-67; col 6, lines 1-10; col 7, lines 20-27).

Re claim 18: The method of combining road model data with data that represent roads from the map database to provide a realistic visual appearance of road-related things by the computer platform as part of a game play scenario of the computer game (col 8, lines 7-20, lines 33-55; col 21, lines 55-57).

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Re claim 20: The method of combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of polygon shaped features in the region by the computer platform as part of a game play scenario of the computer game (col 3, lines 20-35).

Re claim 21: The method of combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of cityscape and landscape features in the region by the computer platform as part of a game play scenario of the computer game (col 6, lines 10-20).

Re claim 22: The method of combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of one of a group consisting of: buildings, fences, trees, shrubbery, lawns, fences, and clouds in the region by the computer platform as part of a game play scenario of the computer game (col 6, lines 15-20; col 21, lines 55-57).

Re claim 23. The method of the application programming interface program provides for spatial queries of data from the map database (col 2, lines 57-65).

Re claim 24. The method of using the game engine program to access a game application shell that includes basic logic, rules, strategy, and characters for a type of computer game, wherein the game application shell (col 1, lines 51-60).

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Re claim 25. The method of the type of computer game is selected from a group consisting of: a road rally game, a police chase game, a location quiz game, a "bot" fighter game, a flight simulator game, a "first-person-shooter" game, an auto theft game, and an urban development simulator game (col 1, lines 51-52; col 13, lines 10-14; col 20, lines 32-37).

Re claim 26. The method of using the game engine program to perform specific tasks and operate on an as- needed basis during a game play scenario of the computer game (col 3, lines 20-35; col 23, lines 40-47).

Re claim 27. The method of the game engine program comprises at least one selected from a group consisting of: audio engines, logic engines, rules engines, animation engines, graphics engines, and user interface engines (col 3, lines 47-67; col 9, lines 37-65; col 11, lines 36-65).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doak in view of Powers et al. (US 6,362,817). The teachings of Doak have been discussed above.

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Re claim 5: However Doak did not further disclose the road-related things include at least one selected from a group consisting of: road colors, road pavement, lane stripes, curbs, sidewalks, signs, lampposts, lane dividers, traffic signals, speed bumps, and crosswalks.

Re claim 19: Doak also did not disclose of the method of the road-related things include at least one selected from a group consisting of: road colors, road pavement, lane stripes, curbs, sidewalks, signs, lampposts, lane dividers, traffic signals, speed bumps, and crosswalks.

Powers teaches the use of buildings, bridges, arches, roads, and street lamp in table VII of col 25 and 26.

Therefore in view of Powers, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the additional road-related things to enhance the enjoyment of the game.

Doak and Powers are analogous art because they are from the same field of endeavor of system and methods of creating a 3D environment.

### ***Conclusion***

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13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nathman teaches the method and system for generating database correlatable navigational charts matching the simulated terrain and cultural features. Rhoads teaches of a technology used to convey location data for images or objects depicted in a video. Margolin 073' teaches a pilot aid using synthetic reality to determine the aircraft's position and altitude by the use of global positioning system. Margolin '278 teaches of a digital map system for displaying three-dimensional terrain data uses terrain data in the form of polygons.

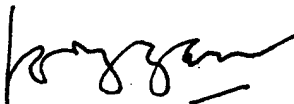
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 7:30 - 5(M-F) (Off every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk(James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/  
Kang Hu  
Nov 30, 2006



**KIM NGUYEN**  
**PRIMARY EXAMINER**